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11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 Jack Leal,

14 Plaintiff,

15 v.

16 Nevada Department of Corrections, *et al.*,

17 Defendants.
18
19

Case No. 2:21-cv-01965-GMN-MDC

**Fifth Stipulation for Revised
Scheduling Order**

20 Pursuant to FRCP 16(b)(4) and Local Rule 26-2, the parties stipulate and agree
21 to modify/extend the Scheduling Order (ECF No. 82) and respectfully request the
22 Court approve the proposed schedule, set forth herein, extending the remaining
23 deadlines in this case for 60 days. This is the fifth stipulation for the extension of
24 these deadlines; Plaintiff's prior counsel had also filed two unopposed motions for
25 extensions. This request is submitted at least twenty-one (21) days or more before
26 the close of discovery (April 19, 2024) is made in good faith, and is supported by good
cause.

STATEMENT OF FACTS IN SUPPORT OF STIPULATION

This case began with a pro se complaint filed by Plaintiff Jack Leal on October 25, 2021. ECF No. 1. At the Court's direction Mr. Leal filed a pro se Amended Complaint (ECF No. 9), which the Court screened and accepted. (ECF No. 11).

The Court entered its initial Scheduling Order on November 21, 2022. ECF No. 41. Since then, events have necessitated further stipulations for extension. The Court appointed counsel for Mr. Leal, who entered an appearance in February 2023. ECF Nos. 44, 45, 47. Both parties have since substituted counsel; current counsel for both the plaintiff and defendants entered appearances in August and September 2023, respectively. ECF Nos. 72, 77.

Current counsel have been working diligently to complete discovery and litigate the case. Based in part on discovery previously received, Mr. Leal sought leave to file a second amended complaint (SAC), which the Court granted. ECF No. 88. Mr. Leal filed the SAC, which adds new defendants to the lawsuit, on February 2, 2024. ECF No. 89. The Attorney General has accepted service on behalf of these defendants¹ and has filed a 25-pages Motion to Dismiss on February 15, 2024, raising four grounds for dismissal. ECF No. 90. In the midst of this litigation, the parties have conducted two depositions in February, and Mr. Leal noticed an expert witness on February 20, 2024.

The parties have recently conferred and determined that an extension of the discovery schedule is necessary for several reasons. First, in light of the newly added defendants additional time is needed for the parties to complete discovery, which is currently due to be completed on April 19, 2024. Second, Plaintiff's counsel Sean McClelland began a trial in California on February 19, 2024 which is expected to last

¹ As noted in the Motion, the Attorney General believes Defendant Denise McKee is deceased. ECF 90, pg. 1.

1 until mid-May. Third, Plaintiff's counsel Ryan Norwood will be taking leave for a
2 portion of March 2024 because of a medical issue in his family. For these reasons,
3 additional time is needed to both complete discovery and for plaintiff to file a response
4 to Motion to Dismiss. In light of this, the parties propose the remaining deadlines as
5 follows:

- 6 • That discovery in this action be suspended until May 29, 2024;
- 7 • Motion to Dismiss: that Plaintiff's response be filed by April 1, 2024,
8 and that any Reply be filed by April 15, 2024;
- 9 • Expert disclosures: that upon reopening of discovery, disclosures of
10 rebuttal experts be made on or before June 28, 2024;
- 11 • Discovery shall be completed by August 27, 2024;
- 12 • Dispositive Motions: that they be filed and served no later than
13 September 26, 2024;
- 14 • Joint Pretrial Order: that it be due on October 28, 2024. If dispositive
15 motions are filed, the deadline for filing the joint pretrial order will be
16 suspended until 30 days after decision on the dispositive motions or
17 further court order.

CONCLUSION

Based on the foregoing and for good cause appearing, the Parties respectfully request that the Court approve their Stipulation and alter the discovery deadlines as set forth above.

Dated February 27, 2024

Aaron D. Ford
Attorney General

/s/ Leo T. Hendges

Leo T. Hendges
Senior Deputy Attorney General

Rene L. Valladares
Federal Public Defender

/s/ Ryan Norwood

Ryan Norwood
Assistant Federal Public Defender

IT IS SO ORDERED:



Maximiliano D. Couvillier III
United States Magistrate Judge

Dated: 2-28-24